



US Army Corps
of Engineers
Alaska District

Regulatory Branch (1145b)
8800 Glacier Highway
Suite 106
Juneau, Alaska 99801-8079

Public Notice of Application for Permit

PUBLIC NOTICE DATE: July 7, 2004

EXPIRATION DATE: August 6, 2004

REFERENCE NUMBER: POA-2004-670-1

WATERWAY NUMBER: Taku Harbor

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: City and Borough of Juneau, Department of Docks and Harbors, 155 South Seward Street, Juneau, Alaska 99801-1397

LOCATION: Section 8, Township 44-South, Range 70-East, Copper River Meridian; Latitude 58°4'8" North, Longitude 134°0'50" West; Taku Harbor, Alaska.

WORK: The applicant proposes to remove piles, place piles, and several floating structures in navigable waters of the United States.

New Work:

- 3-each 12-foot by 100-foot timber float segments
- 3-each 12-foot by 50-foot timber float segments
- 5-each 8-foot by 24-foot refurbished timber boarding float segments
(Formerly used in Amalga Harbor)
- 25-each galvanized steel piles
- Resurface existing ramp float deck with non-skid coating

Remove:

- 17-each timber piles
- 1-each 10-foot by 100-foot timber float segment
- 1-each 10-foot by 50-foot timber float segment
- 116 linear feet of 6-foot wide timber float segments

Remove and relocate to Stockade Point:

- 1-each 10-foot by 100-foot timber float segment
- 1-each 10-foot by 50-foot timber float segment

The following Special Condition would be placed on the permit, if authorized:
Placement of piles shall not occur from March 15 through June 15.

PURPOSE: The applicant's stated purpose would be to 'rehabilitate an existing boat harbor in order to increase moorage capacity and improve public safety.'

ADDITIONAL INFORMATION: The applicant provided the following pertaining to the use of existing and proposed piling:

1. The contract specifications will require that any materials disposed by the contractor shall be disposed in accordance with all applicable laws and regulations in an upland disposal facility selected by the contractor and approved for such material disposal.
2. Several existing moorage system elements are designated for relocation to a site near Stockade Point, as shown on the permit illustrations. Those elements contain some creosote treated timbers. Only those elements that have been properly pressure treated with creosote shall be relocated to Stockade Point. Any materials determined to have surface applied creosote shall not be relocated to Stockade Point but shall be disposed as described under item 1. Further to this point, the new moorage floats proposed for replacement sections at Taku Harbor are also constructed using some pressure treated timber sections.

For additional information, please contact the authorized agent, Mr. Dick Sommerville, Peratovich, Nottingham & Drage, Incorporated, 3220 Hospital Drive, Suite 200, Juneau, Alaska 99801-7899, or call Mr. Sommerville at (907) 586-2093.

MITIGATION: None.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources, has concurred with the applicant's certification.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between the Federal government and Federally recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In addition, Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the

Tribes within the area potentially affected by the proposed work, and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Engineer during the public comment period.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area. Preliminarily, the described activity will not affect threatened or endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. *et seq* and associated Federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service (NMFS).

We have determined that the described activity within the proposed area will not adversely affect EFH, including Anadromous fish and Federally managed fishery resources.

SPECIAL AREA DESIGNATION: None.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this

decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Mr. John C. Leeds, III, at (907) 790-4490, or by email at john.c.leeds@poa02.usace.army.mil if further information is desired concerning this notice.

AUTHORITY: This permit will be issued or denied under the following authorities:

(X) Perform work in or affecting navigable waters of the United States - Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

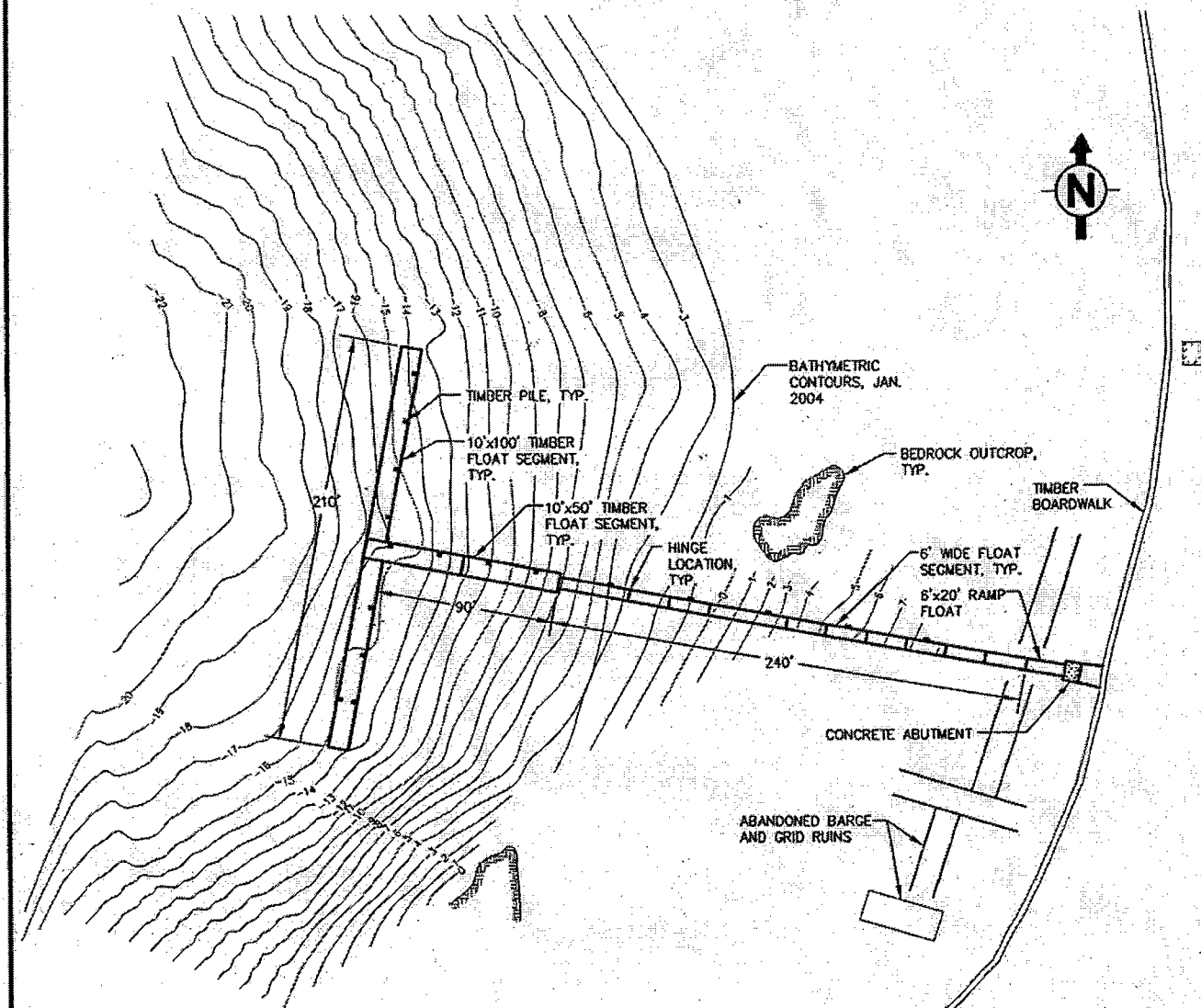
() Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

() Transport dredged material for the purpose of dumping it into ocean waters - Section 103 Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413). Therefore, our public interest review will consider the criteria established under authority of Section 102(a) of the Marine Protection, Research and Sanctuaries Act of 1972, as amended (40 CFR Parts 220 to 229), as appropriate.

A plan, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program is attached to this Public Notice.

District Engineer
U.S. Army, Corps of Engineers

Attachments



EXISTING CONDITIONS

NOTE:
DEPTHS ARE SHOWN
IN FEET BELOW MLLW.



PURPOSE:
REHABILITATE AN EXISTING BOAT
HARBOR IN ORDER TO INCREASE
MOORAGE CAPACITY AND IMPROVE
PUBLIC SAFETY

**TAKU HARBOR SITE PLAN-
EXISTING CONDITIONS**

CITY & BOROUGH OF JUNEAU
DOCKS & HARBORS DEPT.
155 SOUTH SEWARD STREET
JUNEAU, ALASKA 99801

PROPOSED:
TAKU HARBOR
MOORAGE FLOAT
REHABILITATION

IN: TAKU HARBOR
NEAR: STEPHENS PASSAGE
AT: JUNEAU, ALASKA
APPLICATION BY:

CITY OF JUNEAU

DATE: 04/12/04 SHEET 2 OF 5

DATUM: MLLW = 0.0 ft

PNO#: 032069.02

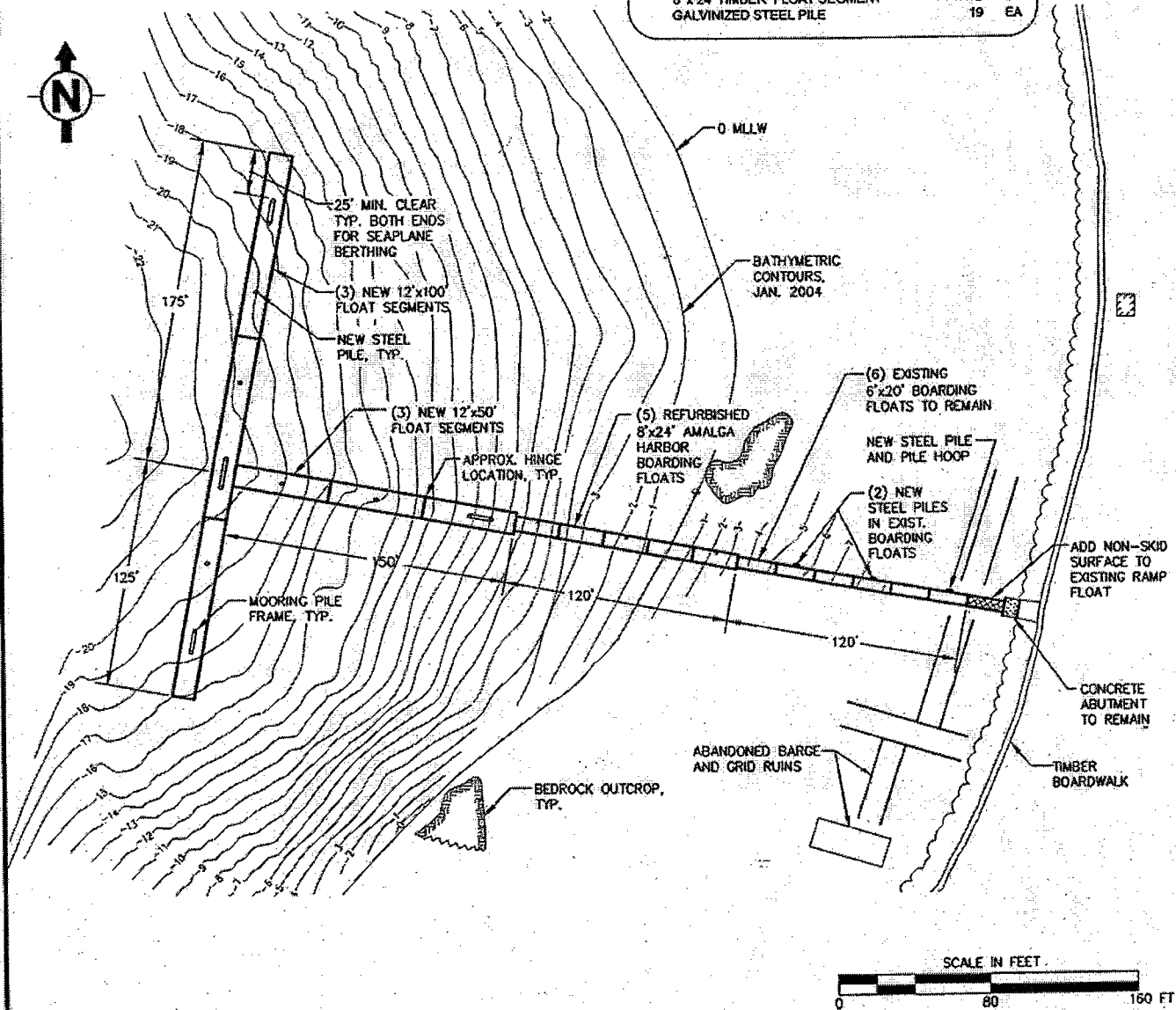
SUMMARY OF APPROXIMATE QUANTITIES

REMOVAL OF EXISTING:

10' x 100' TIMBER FLOAT SEGMENT	2	EA
10' x 50' TIMBER FLOAT SEGMENT	2	EA
6' x 40' TIMBER FLOAT SEGMENT	1	EA
6' x 36' TIMBER FLOAT SEGMENT	1	EA
6' x 20' TIMBER FLOAT SEGMENT	2	EA
TIMBER PILE	17	EA

NEW OR REFURBISHED CONSTRUCTION ITEMS:

12' x 100' TIMBER FLOAT SEGMENT	3	EA
12' x 50' TIMBER FLOAT SEGMENT	3	EA
8' x 24' TIMBER FLOAT SEGMENT	5	EA
GALVANIZED STEEL PILE	19	EA



PURPOSE:
REHABILITATE AN EXISTING BOAT HARBOR IN ORDER TO INCREASE MOORAGE CAPACITY AND IMPROVE PUBLIC SAFETY

TAKU HARBOR SITE PLAN- PROPOSED IMPROVEMENTS

CITY & BOROUGH OF JUNEAU
DOCKS & HARBORS DEPT.
155 SOUTH SEWARD STREET
JUNEAU, ALASKA 99801

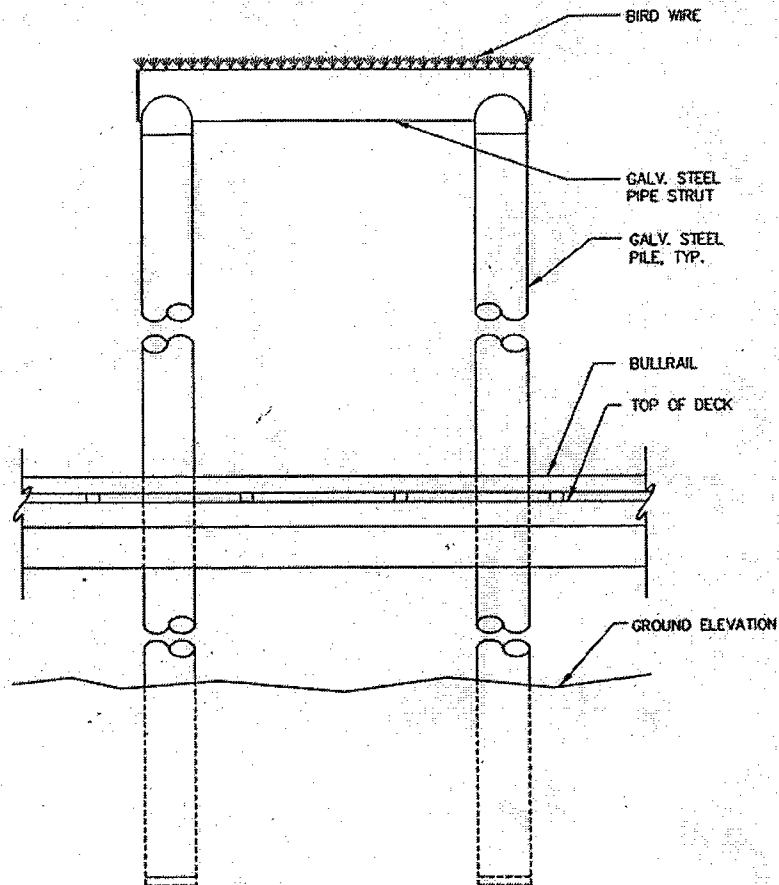
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TAKU HARBOR
MOORAGE FLOAT
REHABILITATION

IN: TAKU HARBOR
NEAR: STEPHENS PASSAGE
AT: JUNEAU, ALASKA

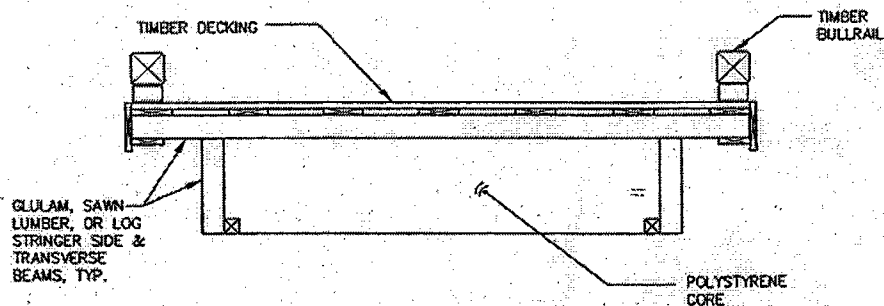
APPLICATION BY:
CITY OF JUNEAU
DATE: 04/12/04 SHEET 3 OF 5

DATUM: MLLW = 0.0 ft

PND#: 032059.02



**MOORING PILE FRAME-
ELEVATION**



**TYPICAL NEW FLOAT-
SECTION**

PURPOSE:
REHABILITATE AN EXISTING BOAT
HARBOR IN ORDER TO INCREASE
MOORAGE CAPACITY AND IMPROVE
PUBLIC SAFETY

**TYPICAL NEW FLOAT SECTION /
MOORING PILE FRAME ELEVATION**

CITY & BOROUGH OF JUNEAU
DOCKS & HARBORS DEPT.
155 SOUTH SEWARD STREET
JUNEAU, ALASKA 99801

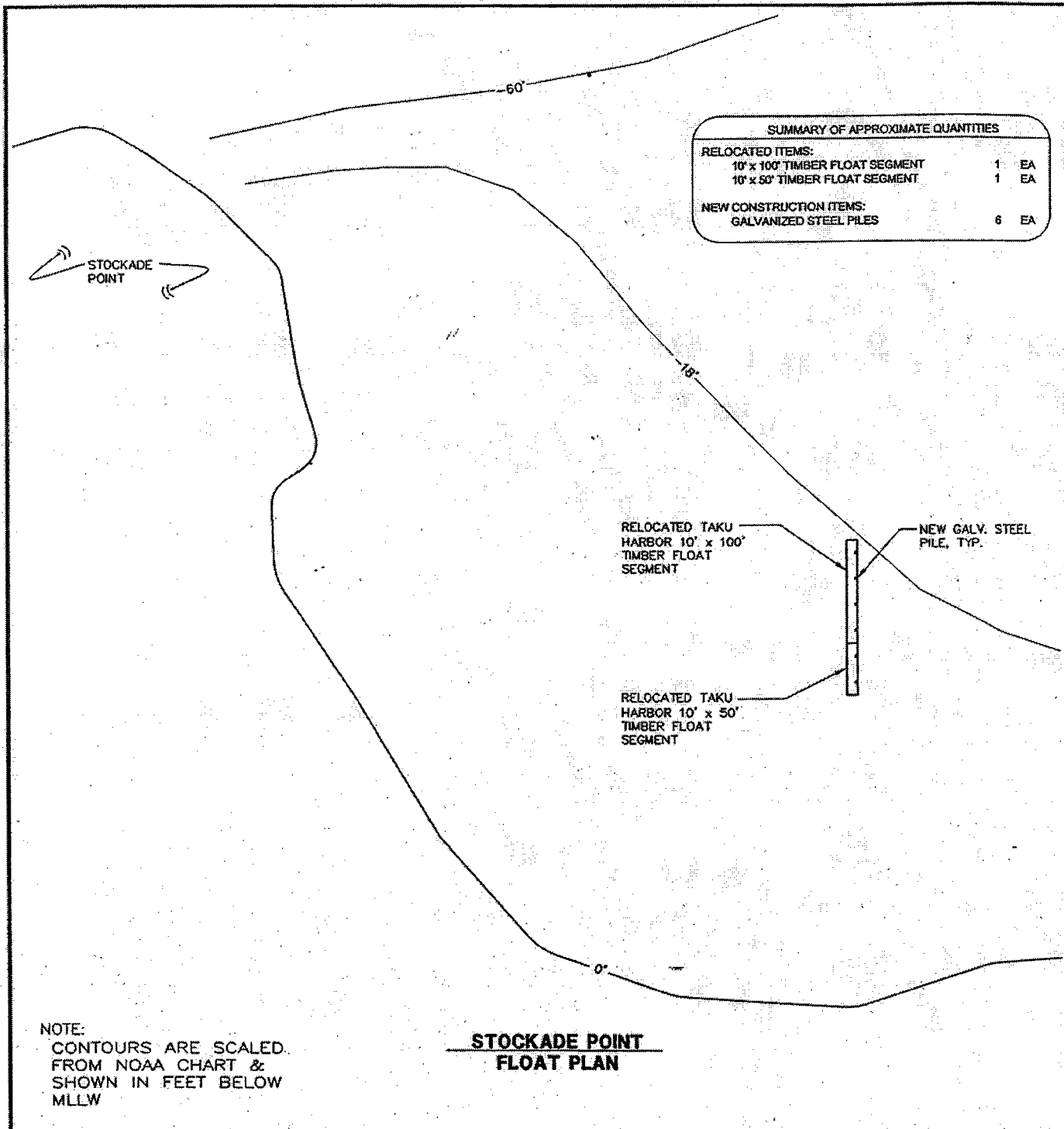
DATUM: MLLW = 0.0 ft

PND#: 032069.02

PROPOSED:
TAKU HARBOR
MOORAGE FLOAT
REHABILITATION

IN: TAKU HARBOR
NEAR: STEPHENS PASSAGE
AT: JUNEAU, ALASKA

APPLICATION BY:
CITY OF JUNEAU
DATE: 04/12/04 SHEET 4 OF 5



PURPOSE:
REHABILITATE AN EXISTING BOAT
HARBOR IN ORDER TO INCREASE
MOORAGE CAPACITY AND IMPROVE
PUBLIC SAFETY

**STOCKADE POINT RELOCATED
FLOAT PLAN**

CITY & BOROUGH OF JUNEAU
DOCKS & HARBORS DEPT.
155 SOUTH SEWARD STREET
JUNEAU, ALASKA 99801

PND#: 032069.02

PROPOSED:
TAKU HARBOR
MOORAGE FLOAT
REHABILITATION

IN: TAKU HARBOR
NEAR: STEPHENS PASSAGE
AT: JUNEAU, ALASKA

APPLICATION BY:
CITY OF JUNEAU
DATE: 04/12/04 SHEET 5 OF 5

DATUM: MLLW = 0.0 ft

FRANK H. MURKOWSKI, GOVERNOR

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF PROJECT MANAGEMENT/PERMITTING

ALASKA COASTAL MANAGEMENT PROGRAM
302 GOLD STREET, SUITE 202
JUNEAU, ALASKA 99801-1127
PHONE: (907) 465-3562/FAX: (907) 465-3075

**NOTICE OF APPLICATION
FOR
CERTIFICATION OF CONSISTENCY WITH THE
ALASKA COASTAL MANAGEMENT PROGRAM**

Notice is hereby given that a request is being filed with the Division of Governmental Coordination for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No. **POA-2004-670-1, (Taku Harbor)**, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

This project is being reviewed for consistency with the Alaska Coastal Management Program. Written comments about the consistency of the project with the applicable ACMP statewide standards and district policies must be submitted to the Alaska Division of Governmental Coordination. For information about this consistency review, contact DGC at (907) 269-7470 or (907) 465-3562, or visit the DGC web site at <http://www.gov.state.ak.us/gdc/Projects/projects.html>.

Attachment 1